

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

CAROLYN W. HAFEMAN,
Plaintiff,

v.

LG ELECTRONICS INC.,
Defendant.

6:21-CV-00696-ADA-DTG

ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Dereck T. Gilliland. ECF No. 67. The Report recommends that this Court deny Defendant LG Electronics's Motion to Dismiss Plaintiff's First Amended Complaint. (ECF No. 41). The Report and Recommendation was filed on August 28, 2022.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff filed objections on September 12, 2022. ECF No. 70. Defendant filed a response to Plaintiff's objections on October 13, 2022. ECF No. 74. The Court has conducted a *de novo* review of the motion to dismiss, the responses, the report and recommendation, the objections and responses to the report and recommendation, and the applicable laws. After that thorough


review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Gilliland, ECF No. 67, is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant's objections are **OVERRULED**.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss Plaintiff's First Amended Complaint (ECF No. 41) is **DENIED** in accordance with the Report and Recommendation.

SIGNED this 27th day of March, 2023.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE